

# **EXHIBIT P**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS**

STUDENTS FOR FAIR ADMISSIONS, )  
INC., )  
                                       )  
                                       )  
*Plaintiff,* )  
                                       )  
                                       )  
v. )                                   Case No. 1:20-cv-763  
                                       )  
UNIVERSITY OF TEXAS AT AUSTIN; )  
JAMES B. MILLIKEN, Chancellor of the )  
University of Texas System in his      )  
Official Capacity; STEVEN LESLIE,     )  
Executive Vice Chancellor for Academic   )  
Affairs of the University of Texas System   )  
in his Official Capacity; DANIEL H.     )  
SHARPHORN, Vice Chancellor and        )  
General Counsel of the University of Texas )  
System in his Official Capacity;         )  
JAY HARTZELL, Interim President of the )  
University of Texas at Austin in his      )  
Official Capacity; BOARD OF REGENTS )  
OF THE TEXAS STATE UNIVERSITY )  
SYSTEM; DAVID J. BECK, CHRISTINA )  
MELTON CRAIN, KEVIN P. ELTIFE, R. )  
STEVEN HICKS, JODIE LEE JILES, )  
JANIECE LONGORIA, NOLAN PEREZ, )  
KELCY L. WARREN, AND JAMES C. )  
“RAD” WEAVER, as Members of the Board )  
of Regents in Their Official Capacities;   )  
DANIEL JAFFE, Interim Executive Vice )  
President and Provost; RACHELLE        )  
HERNANDEZ, Senior Vice Provost for )  
Enrollment Management and Student     )  
Success; and MIGUEL WASIELEWSKI, )  
Executive Director for Office of Admissions,)  
   )  
*Defendants.* )  
\_\_\_\_\_)

**Declaration of Faith Avery on behalf  
of Black Student Alliance**

I, Faith Avery, pursuant to 28 U.S.C. § 1746, declare the following:

1. The facts set forth in this declaration are based on my personal first-hand knowledge, and if called as a witness, I could and would competently testify to the

following matters under oath.

2. I am submitting this declaration as a supplement to the previous declaration I filed on December 16, 2020, in the United States District Court for the Western District of Texas.

3. I am the current Secretary of the Black Student Alliance (“BSA”) at the University of Texas at Austin (“UT”) and I am submitting this declaration on behalf of the BSA in support of race consciousness in UT’s holistic admissions process.

4. BSA is committed to uplifting and empowering the Black community at UT, nationally, and throughout the African diaspora, with the ultimate goal of developing extraordinary leaders and promoting unity. BSA is comprised of an executive board of 12 members and a general body of about 43 members. The general body represents a wide diversity of students. All UT students are welcome to join and share in the mission of BSA. BSA facilitates academic and leadership development programming for general body members and the wider UT community.

5. Many of BSA’s members plan to pursue graduate studies after graduating from UT. Members intend to apply to various graduate programs in Texas, including those at UT, University of Houston, Texas Tech, and Rice University. Fields of interest include business, medicine, education, and social work, among others. BSA believes that maintaining race-conscious admissions is crucial to its members’ success in pursuing graduate studies.

6. BSA intentionally creates space for members to have cross-cultural and cross-racial interactions that will prepare students for leadership in a pluralistic society. Graduate programs have a similar responsibility: to ensure that their classrooms are racially diverse and representative of the society that tomorrow’s leaders will have to

navigate and serve.

7. Racial representation matters. In many of the professional areas where BSA members hope to pursue graduate education, Black individuals are underrepresented (*e.g.*, law, medicine, education, and business), causing adverse consequences in majority-Black communities that rely on Black graduates from those fields for their public health and safety, economic vitality, and educational outcomes.

8. Further, BSA and its members have been among the most active groups and students challenging UT to grow into a more inclusive and racially equitable institution. Members' racial identities and their corresponding racialized experiences are a major impetus for the effective advocacy that members execute on campus. To fully appreciate our members' strengths and future contributions to professional communities, graduate admissions processes need to allow our members to discuss those advocacy efforts and the corresponding racialized experiences that shape members' interests in future careers and strengthen their ability to positively transform their professional fields.

9. If educational institutions in Texas were prohibited from using race-conscious admissions, BSA and its members who are interested in pursuing graduate studies would be harmed because they would not be able to share how their racial justice leadership connects to their racial identity and shapes their perspectives and aspirations. That would seriously undermine BSA's mission and make it more challenging to empower Black students to reach their full potential as future leaders and professionals.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Travis County in the State of Texas on December 29, 2020.

/s/ Faith Avery  
Faith Avery